



REMARKS

This amendment is submitted in response to the Office action mailed February 25, 2005. Claims in their pending form are also submitted herein.

35 USC 112, second paragraph

The Examiner rejects claim 1 because of perceived confusion in the language of the claim. Claim 1 has been amended to clarify this issue.

35 USC 102(a)

Claim 1 was rejected under 35 USC 102(a) as being anticipated by Landy (US 6,580,591). Applicant respectfully traverses this rejection. Specifically, Landy fails to disclose claim 1's limitation of a transceiver having at least one outbound data line, the at least one data line connected to an electrostatic discharge line. While the Examiner has cited Landy's Pin A and pin B as outbound data lines, Applicant asserts this is a mischaracterization of Landy. Attention is directed to Landy at Column 5, lines 44-50, which reads:

Two external signal pins, referred to as PIN A and PIN B, are shown that represent the external signal pins associated with and coupled to the transmit circuit. In a similar manner, an RX V.sub.CC pin and a corresponding RX Gnd pin are provided to couple to another external voltage source (not shown) for providing power to an internal receive circuit (not shown) of the RF IC 100.

Thus, Landy teaches that Pin A and Pin B are provided to provide power rather than data. Without some teaching that Pin A and Pin B somehow carry data, a rejection under 35 USC 102(a) cannot be sustained.

Directing Examiner's attention to MPEP 2131, the threshold issue under Section 102 is whether the Examiner has established a *prima facie* case for anticipation. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)". "The identical invention must be shown in as complete detail as is contained in

the ...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989). The elements must be arranged as required by the claim but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985). If the Examiner believes that Kathail actually does teach forming a sequential list of drivers needed for a communication path, Applicant respectfully requests the Examiner clarify what portion of Kathail contains such a disclosure.

Invitation To Telephone Conference

In the event the Examiner feels there are remaining issues that might be resolved by telephone, the Examiner is invited to contact the undersigned attorney at the phone number listed below.

Dated: May 25, 2005

Respectfully submitted,
SIERRA PATENT GROUP, LTD.

A handwritten signature in black ink, appearing to read "John W. Crosby", with a stylized flourish at the end.

John W. Crosby
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